

R E M A R K S

Claims 1-15 are pending in this application. In the office action, claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,343,718 (Pöll) (office action, ¶ 3).

During the interview, an informality in claim 5 was noted and this has been corrected in the amendment presented here. Further, it is understood that claim 15 is allowable.

The claims have been amended; claims 2, 9-11, and 13 have been cancelled. Reconsideration is respectfully requested.

The Invention

The invention is a necklace having at least two different types of links -- one that articulates in one plane and another that articulates in a different plane. Further, an interconnecting link, having one hinge for articulation in the first plane and a second hinge for articulation in the second plane, is provided to join the two different types of links.

Rejection under 35 U.S.C. § 102(b) (Office Action, ¶ 3)

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,343,718 (Pöll). To sustain such a rejection, "the reference must teach every element of the claim." M.P.E.P. § 2131 (8th ed., rev. 4, October 2005), page 2100-76. The M.P.E.P. goes on to state that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The cited reference fails to teach all of the elements of the claims.

Claims 1 and 3

Claims 1 and 3 distinguish over the art for essentially the same reason that claim 15 is allowable. Claim 1 requires "a first plurality of links" having hinge elements that "restrict articulation to a first plane" and "a second plurality of links" having hinge elements that "restrict articulation to a second plane, where the second plane is at an angle with respect to the first plane." By contrast, the Pöll reference discloses articulation only in a single plane. In all of the figures in Pöll, the pins (elements 8, 8', and 8'') on which the links rotate lie in the plane of the page and, therefore, the links illustrated in Figures 1 and 5 only move in a plane that lies perpendicular to the page. This is confirmed by the text of Pöll in column 2, lines 52-53 ("the individual links are easily swiveled, in particular perpendicular to one another"). Therefore, Pöll does not disclose, teach, or suggest one set of links articulating in one plane and another set articulating in another plane at an angle to the first. Claim 3, also dependent upon claim 1, provides that the planes are vertical and horizontal, respectively. For at least the foregoing reasons, claims 1 and 3 distinguish over the art.

Claims 12 and 14

Claims 12 and 14 are allowable for at least the same reasons provided above with respect to claims 1 and 3. The two claims require a single link that provides articulation in two different planes and restricts the articulation to those planes, respectively. Again, the Pöll reference only discloses articulation in a single plane. Claim 12 specifies a link having "a first hinge element enabling articulation in a first plane" and "a second hinge element enabling articulation in a second plane, where the second plane is at an angle with respect to the first plane." None of the links in Pöll provide or permit articulation in two different planes. Nor

would they provide articulation in the vertical and horizontal directions, respectively (claim 14).

For at least these reasons, claims 12 and 14 distinguish over the art.

Claims 4-7

For at least the reasons provided above with respect to claim 1 and claims 12 and 14, claims 4-7 similarly distinguish over the Pöll reference. Claims 4-7 add the limitation of the interconnecting link to the necklace of claim 1. No such structure is disclose, taught, or suggested by Pöll.

Claim 8

As amended, claim 8 is directed to a link restricting articulation to a plane horizontal with respect to the link. None of the references disclose, teach, or suggest such a structure. Claims 9-11 have been cancelled.

Obviousness


Finally, none of the claims are obvious in view of Pöll. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." M.P.E.P. § 2143.03 (8th ed., rev. 4, October 2005), p. 2100-139, citing In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) [emphasis in original]. As pointed out with respect to the rejection under § 102, the reference fails to teach all of the elements of the claims, and nowhere in the reference is there a teaching or suggestion to modify its structure in such a fashion to achieve the applicant's claimed apparatus.

Conclusion

The applicant believes that it has responded to all of the issues raised in the office action and submits that all of the pending claims are allowable. Thus, it is respectfully requested that the examiner pass the application to allowance. The examiner is invited to call the undersigned if there are any questions concerning the application.

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Respectfully submitted,


Joel Miller
Reg. No. 29,955
17 Westwood Drive South
West Orange, N.J. 07052
(973) 736-8306

Attorney for Applicant(s)